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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,525	07/13/2001	Barry Boone	2043.130US1	3480
49845 7590 12/18/2006 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH/EBAY P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER POND, ROBERT M	
			ART UNIT	PAPER NUMBER
			3625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/18/2006	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

**Application No.**

09/905,525

**Applicant(s)**

BOONE ET AL.

**Examiner**

Robert M. Pond

**Art Unit**

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 26 September 2006 has been entered.

### ***Response to Amendment***

The Applicant amended claims 1, 24, and 25, and newly added claims 41-45. All pending claims (1-45) were examined in this non-final office action.

### ***Response to Arguments***

Applicant's arguments with respect to claim 1-45 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 1. Claims 1-6 and 25-30 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) in view of Wilson (PTO-892, Item: V).**

Ebay teaches region-specific web sites operated by a networked based commerce facility owned by the Assignee eBay. Ebay further teaches:

- determining a site that a user accesses, the site being one of multiple sites operated by a network-based commerce facility; user accessing the main web page via a web browser can access multiple sites from the home page. For example, accessing the Assignee's main web page, a user can search content local to a region in the United States (i.e. Go Local!) or can access a region of the world (i.e. Canada, UK, Germany) (U: see page 1); means for determining; Inherent in eBay are the structures necessary to permit determining a site. For example, the eBay customers clicks on an area in the eBay web page that has an active link in which an eBay server delivers to the remote customer's browser for display the requested site.

- retrieving a category list available for the site, the category list identifying categories of offerings available via the site; selecting (i.e. clicking with a mouse) the Go Local! active link retrieves the main page for “Go Local!”(U: see pages 4 and 5 for explanation on how this feature works) and selecting “Los Angeles” active link from a selection of other regional sites (e.g. Sacramento, San Diego), retrieves a web page featuring local product category listings for Los Angeles (U: see at least pages 1 and 2); means for retrieving; Inherent in eBay are the structures necessary to permit retrieving a category list. To display requires retrieving. For example, the eBay server delivers to the remote customer’s browser for display product categories (U: see at least pages 1 and 2).
- and, communicating the category list and a view selection link to the user, wherein the site being a regional site, the category list being a region-specific category list, the region specific category list to enable a view of a first plurality of offerings, the first plurality of offerings, communicates a category list to enable a view of a first plurality of offerings (e.g. “Automotive” active link) including a second plurality of offerings (e.g. “Automotive/96 Saturn SW2, Dark green” active)(U: see page ); means for communicating; Inherent in eBay are the structures necessary to permit communicating a category list. To display at remote customer’s web browser requires communicating the category list. For example, the eBay

server delivers the product categories web page to the remote customer's browser for display (U: see at least pages 1 and 2).

- means for parsing URLs: Inherent in eBay are the structures necessary to permit means for parsing URLs. For example, eBay discloses from single site users accessing one or more sites with unique URLs. URLs are parsed to access network addresses within network domains.
- means for generating a markup language document: Inherent in eBay are the structures necessary to permit means for generating a markup language document. For example, the cited reference U is a printout of a web page displayed by the web browser and generated by using a markup language (U: see at least page 1).
- means for generating offering categories in a particular order: Inherent in eBay are the structures necessary to permit means for generating offering categories in a particular order. For example, eBay displays categories in alphabetical order (e.g. Antiques, Books, Coins, Doll, Jewelry, etc) (U: see at least page 1).

Ebay teaches all the above as noted under the 103(a) rejection but does not specifically disclose a view selection link as an icon to enable an alternative view of the second plurality of offerings based on a predefined selection criteria.

Wilson teaches ways to use the eBay and Amazon commerce sites. Wilson teaches choosing a category like antiques, receiving a list of items for sale

wherein a small camera icon tells the Amazon.com user there is a picture available for the item (i.e. photos convey an alternative view of the second plurality of offerings) (please note: photo provides a customer convenience) (V: see page 3). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of eBay to provide a camera icon to provide an alternative view of an item for sale as taught by Wilson, in order to provide a customer convenience, and thereby increase sales at the online service.

*Pertaining to system claims 25-30*

Rejection of claims 25-36 is based on the same rationale as noted above.

- 2. Claims 7-12, 14-24, and 31-40 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) in view of Subasta.com (PTO-892, Item: X).**

Ebay teaches region-specific web sites operated by a networked based commerce facility owned by the Assignee eBay. Ebay further teaches:

- *means for determining availability of an offering in a particular region;*

Inherent in eBay are the structures necessary to permit means for determining availability of an offering in a particular region. For example, eBay displays items that are available in the Los Angeles region (e.g. '96 Saturn) (U: see pages 4-5 & 6).

- means for displaying information concerning the offering to the user only if the offering is available in a geographic region associated with the user.

Inherent in eBay are the structures necessary to permit means for displaying information concerning the offering to the user for the selected region. For example, a buyer selects a region-specific site and the system retrieves items for that region (U: see pages 4 and 5).

- displaying listing currency in conjunction with native currency:: (see below). Inherent in eBay are the structures necessary to permit displaying a listing price. For example, eBay is an auction site that brings buyers and sellers together in an online trading community based on trading goods for currency.
- determining a site that a user accesses, the site being one of multiple sites operated by a network-based commerce facility; user accessing the main web page via a web browser can access multiple sites from the home page. For example, accessing the Assignee's main web page, a user can search content local to a region in the United States (i.e. Go Local!) or can access a region of the world (i.e. Canada, UK, Germany) (U: see page 1); means for determining; Inherent in eBay are the structures necessary to permit determining a site. For example, the eBay customer clicks on an area in the eBay web page that has an active link in which an eBay server delivers to the remote customer's browser for display the requested site.



- retrieving a category list available for the site, the category list identifying categories of offerings available via the site; selecting (i.e. clicking with a mouse) the Go Local! active link retrieves the main page for “Go Local!”(U: see page 1) and selecting “Los Angeles” active link from a selection of other regional sites (e.g. Sacramento, San Diego, retrieves a web page featuring local product category listings for Los Angeles (U: see at least pages 1 and 2); means for retrieving; Inherent in eBay are the structures necessary to permit retrieving a category list. To display require retrieving. For example, the eBay server delivers to the remote customer’s browser for display product categories (U: see at least pages 1 and 2).
- and, communicating the category list and a view selection link to the user, wherein the site being a regional site, the category list being a region-specific category list, the region specific category list to enable a view of a first plurality of offerings, the first plurality of offerings, communicates a category list to enable a view of a first plurality of offerings (e.g. “Automotive” active link) including a second plurality of offerings (e.g. “Automotive/96 Saturn SW2, Dark green” active)(U: see page ); means for communicating; Inherent in eBay are the structures necessary to permit communicating a category list. To display at remote customer’s web browser requires communicating the category list. For example, the eBay server delivers to the remote customer’s browser for display product categories (U: see at least pages 1 and 2).

- means for parsing URLs: Inherent in eBay are the structures necessary to permit means for parsing URLs. For example, eBay discloses from single site users accessing one or more sites with unique URLs. URLs are parsed to access network addresses within network domains.
- means for generating a markup language document: Inherent in eBay are the structures necessary to permit means for generating a markup language document. For example, the cited reference U is a printout of a web page generated by using a markup language. (U: see at least page 1).
- means for generating offering categories in a particular order: Inherent in eBay are the structures necessary to permit means for generating offering categories in a particular order. For example, eBay displays categories in alphabetical order (e.g. Antiques, Books, Coins, Doll, Jewelry, etc) (U: see at least page 1).

Ebay teaches all the above as noted under the 103(a) rejection and teaches a) eBay competing globally and offering region-specific web sites in the US (i.e. region within a country), Canada, UK, and Germany (i.e. regions from a worldwide perspective), and b) listing items in currency, but does not specifically disclose listing in native currency and language. Subasta.com teaches Subasta.com being born as a reaction to the overwhelming success of eBay and Auction Universe in the United States. Subasta.com teaches competition being virtually null in the Latin American market and providing online auction site in

native language, native currency, providing currency conversion, and further teaches providing shipping services as a result of its relationship with From2.com (X: see pages 1-3). Therefore it would have been obvious to one ordinary skill in the art at time of the invention to modify the system and method of eBay to disclose listing in native currency and native language and to further disclose shipping support as taught by Subasta.com, in order for eBay to compete in Latin America against Subasta.com for buyers who do not understand English and US currency.

*Pertaining to system claims 37-40*

Rejection of claims 37-40 is based on the same rationale as noted above.

- 3. Claim 13 is rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) and Subasta.com (PTO-892, Item: X), as applied to claim 8, further in view of Pollick (Paper #20041209, PTO-892, Item: VV).**

eBay and Subasta.com teach all the above as noted under the 103(a) rejection and teach transacting auctions globally via the eBay and Subasta.com auction sites, but do not disclose fixed price transactions. Pollick teaches eBay and Amazon auction sites, and further teaches Zshops, a fixed-price alternative to auctions being implemented by Amazon as a customer service (VV: see at least page 5). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the method of eBay and Subasta.com to implement fixed-pricing as a customer service as taught by Pollick, in order to

provide an alternative to auction-based pricing, and thereby attract users desiring fixed-pricing as a customer service.

**4. Claims 41-45 are rejected under 35 USC 103(a) as being unpatentable over eBay (PTO-892, Item: U) and Wilson (PTO-892, Item: V), as applied to claim 1, further in view of Subasta.com (PTO-892, Item: X).**

Ebay and Wilson teach all the above as noted under the 103(a) rejection and teach a) eBay competing globally and offering region-specific web sites in the US (i.e. region within a country), Canada, UK, and Germany (i.e. regions from a worldwide perspective), and b) listing items in US dollars, but does not specifically disclose listing in native currency and language. Subasta.com teaches Subasta.com being born as a reaction to the overwhelming success of eBay and Auction Universe in the United States. Subasta.com teaches competition being virtually null in the Latin American market and providing online auction site in native language, native currency, currency conversion, and shipping services as a result of its relationship with From2.com (X: see pages 1-3). Therefore it would have been obvious to one ordinary skill in the art at time of the invention to modify the system and method of eBay to disclose listing in native currency, native language, currency conversion, and to further disclose shipping support as taught by Subasta.com, in order for eBay to compete in Latin America against Subasta.com for buyers who do not understand English and US currency.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Tapscott, Don; "eBay endaggers traditional papers auctioneer can pack far more punch in your sales pitch," National Post, 09 October 1999, Proquest #54945579, 3pgs..

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Jeff Smith can be reached on 571-272-6763. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service

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Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Robert M. Pond', written in a cursive style.

Robert M. Pond  
Primary Examiner  
December 5, 2006